

From: Dylan Thurston
To: Microsoft ATR
Date: 1/27/02 5:22pm
Subject: Microsoft Settlement

To whom it may concern,

I urge you not to accept the proposed final judgement in United States v. Microsoft Corp., Civil No. 98-1232. The proposal is flawed in many ways, as detailed by Dan Kegel <<http://www.kegel.com/remedy/letter.html>>, who I largely agree with. Let me focus on one particular issue which is not covered by his letter: the terms under which Communications Protocols and other APIs are to be released.

Section III.E of the PFJ provides for the release of Communications Protocols under "reasonable and non-discriminatory terms". Similar terms are described in other sections. Such terms exclude an extremely important class of software: free software. Users of free software have the liberty to "run, copy, distribute, study, change and improve the software" <<http://www.gnu.org/philosophy/free-sw.html>>. Documentation released under reasonable and non-discriminatory (RAND) terms is not useful for free software producers: typical RAND terms prohibit public disclosure of the information, but free software is, by definition, distributed with its source.

Lest you think that free software is unimportant, let me note that the protocols at the heart of the Internet and the WWW -- including the TCP/IP protocol for routing information, the DNS protocol for distributing domain names, the SMTP protocol for sending e-mail, and the HTTP protocol behind Web pages -- were produced using free software and are commonly implemented using free software. For instance, in the domain of Web servers, Apache (a free software project) is in active, direct competition with Microsoft's Internet Information Server. More generally, the GNU/Linux operating system, a free software system, figured prominently in the original trial as an alternative to Microsoft Windows.

The PFJ does nothing to help a large class of competitors to Microsoft: free software projects. Please do not accept it in its current form.

Sincerely Yours,

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